

**TECHNICAL AMENDMENTS TO THE CLAIMS:**

Please cancel Claims 1-16 without disclaimer or prejudice to Applicant's right to pursue the subject matter of these claims in future divisional or continuation applications.

Please amend Claims 17-32 as indicated hereinbelow.

Please add Claim 33.

Listing of Claims:

1-16. (Cancelled)

17. (Currently amended) The A chimeric gene which is functional in plant cells and plants comprising, in the direction of transcription, a 5' regulatory region, a coding region and a 3' regulatory region, wherein as claimed in claim 16, characterized in that the coding region encodes a the protein or peptide of interest is chosen from fungal elicitor peptides, in particular an elicitors.

18. (Currently amended) The chimeric gene of as claimed in eClaim 17, characterized in that wherein the fungal elicitor peptide elicitor is megaspermine.

19. (Currently amended) The chimeric gene of as claimed in eClaim 18, characterized in that wherein the megaspermine has the sequence set forth in SEQ ID NO:13 is represented by sequence identifier No. 13 (SEQ ID 13).

20. (Currently amended) The chimeric gene of as claimed in eClaim 189, characterized in that it wherein the megaspermine has the sequence set forth in SEQ ID NO:14 it comprises the DNA sequence represented by sequence identifier No. 14 (SEQ ID 14).

21. (Currently amended) A The chimeric gene of Claim 17, wherein the 5' regulatory region comprises, in the direction of transcription, a regulatory sequence in 5' comprising an inducible promoter, a coding sequence for an elicitor and a regulatory sequence.

22. (Currently amended) The chimeric gene of as claimed in eClaim 21, characterized in that the elicitor is defined in claims 17 to 19 wherein the fungal elicitor peptide is the megaspermine of SEQ ID NO:13 or SEQ ID NO:14.

23. (Currently amended) The chimeric gene as claimed in either of any one of Celaims 21 and or 22, wherinecharacterized in that the inducible promoter is chosen selected from the group of promoters consisting of a phenylalanine ammonia lyase (PAL) gene promoter, of a HMG-CoA reductase (HMG) gene promoter, of a chitinases gene promoter, of a glucanases gene promoter, of a proteinase inhibitors (PIs) gene promoter, of a promoter of the PR1 family of genes, of a nopaline synthase (nos) gene promoter, or the a vspB gene promoter, the a HMG2 gene promoter, the an apple beta-galactosidase (ABG1) gene promoter, or and an the apple aminocyclopropane carboxylate synthase (ACC synthase) gene promoter.

24. (Currently amended) An cloning and/or expression vector for transforming plant cells or plants, characterized in that it contains comprising at least one the chimeric gene of as claimed in eClaims 17-23.

25. (Currently amended) A method for transforming plant cells, characterized in that it consists of comprising integrating into the genome of said plant cells at least one the chimeric gene of as claimed in eClaims 17-23.

26. (Currently amended) A transformed plant cell, characterized in that it comprises comprising the a chimeric gene of as claimed in eClaims 17-23.

27. (Currently amended) A transformed plant, ~~characterized in that it comprises~~  
comprising the a chimeric gene of as claimed in eClaims 17-23.

28. (Currently amended) A plant, ~~characterized in that it contains~~ comprising the  
transformed cells of as claimed in eClaim 26 ~~or obtained using the method as claimed in claim~~  
~~25.~~

29. (Currently amended) The A plant ~~as claimed in claim 28,~~ characterized in that it  
is regenerated from the transformed cells of as claimed in eClaim 26 ~~19 or obtained using the~~  
~~method as claimed in claim 18.~~

30. (Currently amended) A plant derived from culturing and/or crossing ~~regenerated~~  
the plants of any one of as claimed in eClaims 29 or 33.

31. (Currently amended) The plant of any as claimed in one of eClaims 27, 28, 29,  
~~to 30 or 33,~~ characterized in that it wherein the plant is of the monocotyledon type, in particular a  
cereal, sugar cane, rice or maize, or of the dicotyledon type, in particular tobacco, soybean,  
rapeseed, cotton, sunflower, beetroot or clover.

32. (Currently amended) A grain of the plants as claimed in one of eClaims 27 to 31.

33. (New) A plant obtained using the method of Claim <sup>5</sup>25.